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An Act Concerning the Board of Pardons and Paroles, Erasure of Criminal Records for Certain Misdemeanor and Felony Offenses and Prohibiting Discrimination Based on Erased Criminal History Record Information.

Executive Summary

We are members of the Yale Law School Worker and Immigrant Rights Advocacy Clinic, which represents Congregations Organized for a New Connecticut (CONECT), an interfaith non-profit collective dedicated to enacting socially and economically just interventions on issues of common concern. We write in support of Senate Bill (S.B.) 1019 (a.k.a. the Clean Slate bill), which will provide for automatic erasure of criminal history record information for eligible individuals who remain crime-free for certain periods of time. By passing S.B. 1019, you have the momentous opportunity to unshackle hundreds of thousands of Connecticut residents from the unfair impact of their criminal records, some of which are decades old. These include barriers to employment, housing, and education, which in turn increase the risks of recidivism. S.B. 1019 presents you the opportunity to live up to Connecticut's reputation as the "Second Chance" state. We urge you to pass S.B. 1019 for three principal reasons.

First, S.B. 1019 will reduce the likelihood of recidivism and thus promote public safety. Contemporary seminal research by Professors J.J. Prescott and Sonja Starr reveals that Clean Slate reduces the likelihood of recidivism for individuals with records. Without Clean Slate, these individuals are unable to plan for, or even imagine, a responsible future, given the uncertainty of when or whether they will be freed from their criminal records. However, it has been shown that when granted the relief of expungement, people with convictions are able to enjoy the benefits of employment and education and are thus more likely to be deterred from reoffending. By giving people a future that they can plan for, and that is unrestricted by the stigma of their records, S.B. 1019 will promote public safety by reducing recidivism.

Second, S.B. 1019 will mitigate the racialized harms disproportionately inflicted upon Black and Brown communities by mass incarceration. The overwhelming reality of racism in our criminal legal system renders Black and Brown persons more likely to be arrested, charged, convicted, and sentenced for criminal offenses. Black and Brown people therefore constitute an unusually large proportion of potential candidates for records expungement. However, economic and education disparities render them less likely to apply for, or succeed in obtaining, expungement. What's more, Black and Brown people are especially deprived under the current system for records expungement through pardons, a subjective, application-based process which provides no guarantee that a person will ultimately have their records expunged. The weaknesses of the current regime, the enduring stigma of criminal records, and the criminal legal system's chokehold on Black and Brown communities exacerbates existing racial and class inequities in Connecticut. You can help mitigate these inequities by passing S.B. 1019 to expand opportunities and improve economic outcomes for Black and Brown residents.

Finally, S.B. 1019 will relieve the inequitable social and economic impacts of mass incarceration experienced by Connecticut residents regardless of their race. Perpetual access to an individual's criminal records makes *poverty* more likely than *progress* by subjecting those who have already been subjected to criminal penalties to an additional **life-long sentence** of discrimination in housing, employment, and education. These citizens also face higher rates of homelessness and restricted access to government assistance programs because of their records. Through S.B. 1019, you can mitigate these deplorable circumstances by allowing people with conviction records to participate fully in our social and economic community. S.B. 1019 will also benefit all of Connecticut by boosting economic growth through increased market participation.

Connecticut is poised to build on the success of other states which have already enacted Clean Slate legislation. We urge you join these states and pass S.B. 1019 to grant those with records the opportunity to be truly free members of our society, undaunted by the collateral consequences of their criminal conviction records.

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Main Analysis

I. Problems Created by Perpetual Access to Criminal Records

Research has shown that, after incarceration, approximately two-thirds of people in the United States live in deep poverty.[1] Nationwide, nearly 9 in 10 employers,[2] 4 in 5 landlords[3] and 3 in 5 colleges[4] use criminal background checks to discriminate against residents who have served time in prison or jail. When they return home, people with convictions must look for work to comply with the terms of their probation or parole.[5] Empirical research demonstrates that conditions of probation are negatively correlated with the overall job quality of the individual subject to probation.[6] That conditions of probation predict poorer job quality reflects how "employed people on probation often must take time off of work in order to adhere to the stipulations of their probation"[7] and how supervision meetings with parole officers during work hours or disruptive site visits to a parolee's place of work can interfere with employment.[8]

Years, sometimes decades, after those with convictions complete their sentences, social stigma and restrictions related to employment, housing, and education continue to shackle

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[1] *Mass Incarceration and the Cycle of Poverty*, Friends Committee on National Legislation 1 (May 2, 2017), https://www.fcnl.org/sites/default/files/documents/mass_incarceration_and_the_cycle_of_poverty_%283%29.pdf.

[2] *Background Checking—The Use of Criminal Background Checks in Hiring Decisions*, Society for Human Resource Management 2 (2012), https://www.shrm.org/.

[3] David Thacher, *The Rise of Criminal Background Screening in Rental Housing*, 33 Law & Social Inquiry 5 (2008).

[4] *See The Use of Criminal History Records in College Admissions Reconsidered*, Center for Community Alternatives, http://www.communityalternatives.org/pdf/Reconsidered-criminal-hist-recs-in-college-admissions.pdf).

[5] *See* John Rakis, *Improving the Employment Rate of Ex-Prisoners under Parole*, 69 Fed. Probation 7 (2005).

[6] Jesse Capece, *The Effects of Probation Stipulations on Employment Quality Among People on Probation*, 59 J. Offender Rehabilitation 375, 384 (2020) (measuring job quality by length of time at the job, hourly wage, and typical hours worked per week).

[7] *Id.* at 377.

[8] *See* Rakis, *supra* note 5 at 8.

Connecticut residents with criminal records. Among many other collateral consequences of a conviction[9] are categorical bars from accessing public housing and employment, restrictions on access to student loans, restrictions on access to TANF and SNAP benefits, and immigration consequences, including prolonged detention and deportation. People with convictions face significantly higher rates of homelessness,[10] joblessness, and disconnectedness from their communities.[11] Older individuals and those suffering from mental illness and drug addiction are especially vulnerable and must depend on government assistance for mere survival.[12] Further, employment discrimination contributes to the significant percentage (60%) of people with convictions that remain unemployment one year after release.[13] All of these and other collateral consequences can be alleviated by the expungement of a conviction record.[14]

Clean Slate can help mitigate many of the deplorable circumstances that people with convictions face, making it easier for them to find homes, jobs, and connection to their communities. By giving eligible people with convictions the chance to rebuild their lives, S.B. 1019 will benefit all of Connecticut: increasing public safety, mitigating the racialized harms of mass incarceration, and building a stronger economy.

II.   Key Features of S.B. 1019

A. *S.B. 1019 Provides for Automatic Erasures for Eligible Individuals Who Remain Crime-Free for a Certain Period of Time*

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[9] A complete list of 559 statutory consequences of a criminal conviction was identified by the Connecticut Council On The Collateral Consequences Of A Criminal Record, *see List of Collateral Consequences*, Connecticut Council On The Collateral Consequences Of A Criminal Record (Aug. 22, 2019), https://www.cga.ct.gov/lab/tfs/20190827_Council%20On%20The%20Collateral%20Consequences%20Of%20A%20Criminal%20Record/20190822/List%20of%20Collateral%20Consequences.pdf; *see also* Kelan Lyons, *Council Begins Study of Discrimination Against People with Criminal Records*, CT Mirror (Aug. 22, 2019), https://ctmirror.org/2019/08/22/council-begins-study-of-discrimination-against-people-with-criminal-records/ (same).

[10] *Housing Subcommittee Collateral Consequences Handout*, Connecticut Council on Collateral Consequences of a Criminal Record Housing Subcommittee (October 2019), https://www.cga.ct.gov/lab/tfs/20190827_Council%20On%20The%20Collateral%20Consequences%20Of%20A%20Criminal%20Record/Housing%20Subcommittee%20Materials/FINAL%20Housing%20Subcommittee%20Collateral%20Consequences%20Handout%20Oct%202019.pdf.

[11] *See Revised Proposed Framework and Scope of the Research Subcommittee*, Connecticut Council on Collateral Consequences (Dec. 17, 2019), https://www.cga.ct.gov/lab/tfs/20190827_Council%20On%20The%20Collateral%20Consequences%20Of%20A%20Criminal%20Record/Research%20Subcommittee%20Materials/12-17-19%20Revised%20Proposed%20Scope%20and%20Framework%20of%20the%20ResearchSubcommittee.pdf. ("Many people who leave prison do so without money and resources for basic living expenses, which are not easily obtained in part due to the restrictions on public benefits and housing.").

[12] *See* Bruce Western, *Homeward: Life in the Year After Prison* (2018).

[13] *See Fair Chance Licensing Reform: Opening Pathways for People with Records to Join Licensed Professions*, National Employment Law Project (2018), https://s27147.pcdn.co/wp- content/uploads/FairChanceLicensing-v3-2018.pdf.

[14] *Collateral Consequences: The Crossroads of Punishment, Redemption, and the Effects on Communities*, U.S. Commission on Civil Rights (June 2019), https://www.cga.ct.gov/lab/tfs/20190827_Council%20On%20The%20Collateral%20Consequences%20Of%20A%20Criminal%20Record/Research%20Subcommittee%20Materials/06-13-19-Collateral-Consequences%20USCommissionHuman%20Rights%20-%20Findingsand%20Recommendations.pdf.

S.B. 1019 responds to the inefficiencies of the existing pardons process by creating a mechanism for automatic erasures for certain individuals.[15] It will erase the full criminal record history information of eligible individuals who have remained crime-free for seven years after the adjudication of their most recent misdemeanor convictions or for ten or twelve years after the adjudication of their most recent Class D/E or C felony convictions, respectively, whichever comes later. S.B. 1019 aligns with research showing that individuals who remain crime-free for a period of three years have a significantly reduced risk of recidivism – indeed, the bill's proposed waiting periods are significantly longer than three years.[16]

S.B. 1019 excludes individuals from receiving automatic erasure who have been convicted of Class A or B felonies, family violence offenses, and sex offenses. These statutes represent serious felonies, including felonies that involve physical force and harm and/or repeated violations. However, individuals who are ineligible for automatic erasure could still apply for absolute pardons through the Board of Pardons and Paroles upon meeting its eligibility requirements.

B. S.B. 1019 Covers Existing Criminal Record Contracts Between the Connecticut Judiciary and Private Parties

Further, S.B. 1019 provides for timely deletion of criminal record history information by private publishers. In today's Internet age, background screening providers and similar data-based services purchase records of criminal matters from the Judicial Department and publish them. Connecticut's existing statutes require such entities to permanently delete from their databases criminal records that have been erased by operation of law. S.B. 1019 requires that these private entities perform deletions within 30 days of receiving notice of an individual's criminal record erasure. In addition, under the bill, Connecticut will make reasonable efforts to notify beneficiaries of automatic erasure that their criminal records had changed.

III. Erasure of Criminal Record History Information Can Reduce Recidivism

The stigma and hardship associated with having a criminal record increase the likelihood of recidivism; the erasure of criminal records via Clean Slate is likely to deter individuals from reoffending and decrease recidivism. The United States Commission on Civil Rights has reported that "[e]vidence shows harsh collateral consequences unrelated to public safety increase recidivism by limiting or by completely barring formerly incarcerated persons' access to personal and family support."[17] Similarly, the Connecticut Council on Collateral Consequences noted that "[m]any collateral consequence restrictions on professional licensing serve an anticompetitive function and

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[15] Connecticut currently provides for the automatic erasure of police and court records when a case has been dismissed or nolled, or a defendant has been acquitted after trial. Conn. Gen. Stat. § 54-142a.

[16] *See* Stephen Slivinski, *Turning Shackles into Bootstraps: Why Occupational Licensing Reform Is the Missing Piece of Criminal Justice Reform*, Center for the Study of Economic Liberty at Arizona State University (2016) (citing Matthew R. Durose et al., *Recidivism of Prisoners Released in 30 States in 2005: Patterns from 2005 to 2010*, Bureau of Justice Statistics (2014), http://www.bjs.gov/index.cfm?ty=pbdetail&iid=4986).

[17] *Collateral Consequences: The Crossroads of Punishment, Redemption, and the Effects on Communities*, U.S. Commission on Civil Rights (June 2019), https://www.cga.ct.gov/lab/tfs/20190827_Council%20On%20The%20Collateral%20Consequences%20Of%20A%20Criminal%20Record/Research%20Subcommittee%20Materials/06-13-19-Collateral-Consequences%20USCommissionHuman%20Rights%20-%20Findingsand%20Recommendations.pdf.

work against the public interest. They hinder the chances for and likelihood of rehabilitation for the formerly incarcerated person."[18]

Some may argue that erasing a criminal record will encourage recidivism, yet empirical findings demonstrate that automatic expungement may be more effective for deterring criminal conduct. Professors Prescott and Starr's *Harvard Law Review* study released this past year[19] explains that criminal record erasure reduces recidivism rates by alleviating the social pressure and exclusion associated with having a criminal record. In fact, the findings of that study suggest that those who had their records cleared after several years were lower crime risks than the general state population.[20] That same study reported that it is "quite likely that receiving an expungement reduces a recipient's recidivism risk below their previous baseline."[21] **While unemployment is a predictor of recidivism, higher wages significantly reduce the risk of recidivism,[22] demonstrating how Clean Slate beneficiaries' improved employment prospects also promote public safety**. Similarly, an analysis of Bureau of Justice Statistics data found that the higher the educational attainment, the lower the rate of recidivism. The rates plummet as the degree levels rise: 14% for those who obtain an associate degree, 5.6% for those who obtain a bachelor's degree, and 0% for those who obtain a master's degree.[23]

IV. S.B. 1019 Will Mitigate the Racialized Harms Disproportionately Inflicted Upon Black and Brown Communities by Mass Incarceration.

The preservation of criminal records information is part and parcel of a criminal legal system that disproportionately denies Black and Brown people opportunities for social and economic prosperity—from the moment they are convicted to the uncertain date of expungement, a date some may never reach. Their freedom is further deferred. By passing Clean Slate legislation, Connecticut legislators have an opportunity to loosen the criminal legal system's chokehold on Black and Brown lives and foster greater racial equity in our state by enabling formerly incarcerated individuals to flourish, rather than simply survive.

A. Discrimination Against People with Convictions Disproportionately Harms Black and Brown Individuals

Racial disparities in the Connecticut criminal system are appalling and far above the national averages.[24] A 2021 study reports that while Black men over eighteen years old make up

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[18] *Revised Proposed Framework and Scope of the Research Subcommittee*, Connecticut Council on Collateral Consequences (Dec. 17, 2019), https://www.cga.ct.gov/lab/tfs/20190827_Council%20On%20The%20Collateral%20Consequences%20Of%20A%20Criminal%20Record/Research%20Subcommittee%20Materials/12-17-19%20Revised%20Proposed%20Scope%20and%20Framework%20of%20the%20ResearchSubcommittee.pdf.

[19] *See* Prescott & Starr, *Expungement of Criminal Convictions: An Empirical Study*, 133 HARV. L. R. 2460, 2527 (2020).

[20] *Id.* at 2514.

[21] *Id.* at 2520.

[22] *Id.* at 2519.

[23] *Benefits of Prison Education*, Northwestern Prison Education Program (last accessed: Feb. 26, 2021), https://sites.northwestern.edu/npep/benefits-of-prison-education/.

[24] *Prisoners in 2016*, U.S. Bureau of Justice Statistics 8 tbl.6 (Jan. 2018).

4.7% of the population, the conviction rate among Black adult man is 48% in Connecticut.[25] The study reports that in Connecticut, "**Black men are four times more likely to be incarcerated than white men, and Black adult men are incarcerated at a rate that is 14-15 times their prevalence in the general population**."[26] Additionally, Latinx people are over four times more likely to be incarcerated than white people.[27]

The racial inequities in the criminal system replicate themselves with regards to education, employment,[28] and wealth.[29] Even where multiple applicants have criminal records, employers' decisions to screen out job applicants with criminal records have a disparate impact on Black and Latinx people.[30] Studies have shown that a criminal record reduces the likelihood of a callback for a job by 50% for otherwise qualified applicants;[31] for Black applicants with criminal records, this figure rises to 66%.[32] The permanency of criminal records therefore exacerbates existing racial inequities in Connecticut.

While the COVID-19 pandemic has unraveled all of our lives, its disproportionate impact on Black and Brown communities has shed important light on our state's systemic inequities. As Governor Lamont made clear this past summer, racism is also a deadly contagion and "if we let that door swing ajar, it's incredible how fast that infection can spread."[33] This is the first Connecticut state legislative session after George Floyd's murder prompted a worldwide reckoning and reexamination of the role of racism in our government institutions. Clean Slate is an opportunity for Connecticut to decrease the race-based gaps in education, employment, and wealth that plague our state, and that are widened by the permanency of criminal records. Through S.B. 1019, Connecticut has an opportunity to uplift Black and Latinx communities.

V.   S.B. 1019 Will Help Relieve the Inequitable Social and Economic Impacts of Mass Incarceration

S.B. 1019 will have important social and economic implications for the State of Connecticut by easing reentry for Connecticut residents with convictions and decreasing the longevity of the stigma of a criminal record. The passage of S.B. 1019 will dramatically change the lives of hundreds of thousands of people living in Connecticut. Each year, approximately 5,000

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[25] Colleen Chien, Hithesh Bathala, Prajakta Pingale, Evan Hastings & Adam Osmond, *The Connecticut Second Chance Pardon Gap* 3 (2021) (available at: https://www.paperprisons.org/states/pdfs/reports/The%20Connecticut%20Second%20Chance%20Absolute%20Pardon%20Gap.pdf).

[26] *Id.* at 2 (emphasis added).

[27] *See* Ashley Nellis, *The Color of Justice: Racial and Ethnic Disparity in State Prisons*, Sentencing Project (2016), https://www.sentencingproject.org/.

[28] *See* Devah Pager, *The Mark of a Criminal Record*, 108 American Journal of Sociology, 937, 938 (2003).

[29] Dan Smolnik, *Income Inequality in Connecticut Towns Has a Racial Component*, CT Mirro r(Sept. 30, 2020), https://ctmirror.org/category/ct-viewpoints/income-inequality-in-connecticut-towns-has-a-racial-component-dan-smolnik/.

[30] *Policy Guidance on the Consideration of Arrest Records in Employment Decisions under Title VII of the Civil Rights Act of 1964, as amended, 42 U.S.C. §2000e et seq. (1982)*, Equal Employment Opportunities Commission (1990), https://www.eeoc.gov/policy/docs/arrest_records.html.

[31] *See* Pager, *supra* note 28 at 956.

[32] *Id.* at 937, 959.

[33] Mark Pazniokas, *Lamont: Connecticut Faces Two Contagions, COVID and Racism*, CT Mirror (July 1, 2020), https://ctmirror.org/2020/07/01/lamont-connecticut-faces-two-contagions-covid-and-racism/.

Connecticut residents are released from prison after completing their sentences.[34] In addition, thousands of other Connecticut residents complete non-incarceration criminal sentences each year. At present, there are approximately 407,000 people in Connecticut with criminal convictions.[35] Of the 3.5 million Connecticut residents,[36] about 12% have a conviction record, a significant portion of the population. After release, these Connecticut residents return to their communities and work to rebuild their lives. However, when their conviction records are made available to potential landlords, employers, and colleges, they struggle to access housing, jobs, and education. Clean Slate will mitigate this discrimination against those with convictions. It will serve the broader interests of the state by generating economic growth and challenging racial inequality. This is especially important as we contend with the disastrous effects of the COVID-19 pandemic on our economy and our communities.

A. A Criminal Record Presents Significant Obstacles to Reintegrating into Society

As discussed under Part I.A., above, individuals with convictions face significant barriers in housing, employment, and education, as well in accessing public benefits. As a result, people with convictions are all too often condemned to lives of poverty and social stigma. Record expungement can break down those barriers, enabling those with convictions to rejoin society.

The Connecticut General Assembly has recognized the importance of expungement and sought to improve Connecticut's expungement process. In August 2019, the General Assembly statutorily established the Council on the Collateral Consequences of a Criminal Record within the Legislative Department. The subcommittees of the Council on employment[37] and research,[38] have recommended that the state expand opportunities for the expungement of criminal records. Clean Slate legislation will advance the General Assembly's goal of improving Connecticut's expungement process, ameliorating the immense barriers to complete reentry that people with convictions face in Connecticut.

B. By Eliminating Barriers to Reentry, S.B. 1019 Will Open Pathways to Economic Progress for Residents with Convictions Through Improved Employment Outcomes and Increased Wages.

S.B. 1019 will help people with convictions obtain employment. Criminal convictions pose obstacles to employment not only because of stigma, but also because of statutory bars under Connecticut law. Accordingly, job seekers with records often find themselves barred from

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[34] Statistics shared by Mike Lawlor, former Under Secretary to former Governor Malloy, during a September 2018 meeting with leaders of Congregations Organized for a New Connecticut.

[35] *Chien*, *supra* note 25 at 1.

[36] *Population and Housing Unit Estimates*, U.S. Census Bureau; Bureau of Labor Statistics (Dec. 2020) (available at: https://www.statista.com/statistics/206104/resident-population-in-connecticut/).

[37] *Council on Collateral Consequences of a Criminal Record Meeting Minutes*, Connecticut Council on Collateral Consequences of a Criminal Record (Nov. 12, 2019), https://www.cga.ct.gov/lab/tfs/20190827_Council%20On%20The%20Collateral%20Consequences%20Of%20A%20Criminal%20Record/20191112/CCCoaCR%20Minutes%2011.12.2019.pdf.

[38] *See Revised Proposed Framework and Scope of the Research Subcommittee*, Connecticut Council on Collateral Consequences (Dec. 17, 2019), https://www.cga.ct.gov/lab/tfs/20190827_Council%20On%20The%20Collateral%20Consequences%20Of%20A%20Criminal%20Record/Research%20Subcommittee%20Materials/12-17-19%20Revised%20Proposed%20Scope%20and%20Framework%20of%20the%20ResearchSubcommittee.pdf.

professions before they can even apply. Those with criminal convictions are more likely to come from low-income communities, have lower educational attainment, and accordingly, have less formal training than the general population.[39] For job seekers with such experiences, these disadvantages are multiplied by the stigma of a conviction. Clean Slate will free people with convictions from the specters of their criminal records, sometimes decades-old, allowing them to achieve in the job market, increase their earning capacity, and contribute to the economy with their greater purchasing power.

Of the 559 collateral consequences of a criminal conviction identified by the Council on the Collateral Consequences of a Criminal Record, the vast majority pertain to employment.[40] Connecticut law forecloses people with convictions various opportunities to obtain occupational and business licenses. For instance, a criminal record may prevent an applicant from being licensed as a commercial driver, electrician, or plumber, among numerous other professions.[41] Clean Slate will allow people with convictions, provided they do not reoffend, to obtain such licenses and other qualifications necessary for employment. In this way, S.B. 1019 not only aids people in gaining employment opportunities they would otherwise be unable to obtain, but also deters people with convictions from reoffending, given that expungement opens doors to more employment prospects.

However, even those employment opportunities not statutorily barred are often difficult to achieve for people with convictions given the stigma of a conviction. This social norm has been observed empirically: randomized experiments where similar resumes are sent to employers for entry level positions have demonstrated that job seekers with criminal records receive 50 to 60% fewer callbacks than those with clean records.[42] These obstacles ultimately impair the ability of individuals with criminal records to make a living. The Pew Trust, for example, found that past incarceration reduced subsequent wages by 11%, cut annual employment by nine weeks, and reduced yearly earnings by 40%.[43] **In contrast, with Clean Slate legislations, studies have found that an individual's wage increased 25% after expungement, and their likelihood of employment increased by 11%.**[44] A 2020 *Harvard Law Review* study by Professors J.J. Prescott and Sonja Starr found that by the end of one year, "expungement recipients gain nearly eight percentage points in their employment rate; proportionally, they are 1.13 times as likely to be employed."[45] This gain was sustained when examined over two and three years following expungement, demonstrating that the employment benefits of Clean Slate legislation are both

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[39] *See* Robert Clifford & Riley Sullivan, *The Criminal Population in New England: Records, Convictions, and Barriers to Employment*, New England Public Policy Center Policy Reports Paper No. 17-1, at 13 (2017). .

[40] *See List of Collateral Consequences*, Connecticut Council On The Collateral Consequences Of A Criminal Record (Aug. 22, 2019), https://www.cga.ct.gov/lab/tfs/20190827_Council%20On%20The%20Collateral%20Consequences%20Of%20A%20Criminal%20Record/20190822/List%20of%20Collateral%20Consequences.pdf.

[41] *See, e.g.*, Conn. Gen. Stat. §§ 14-44, 20-334

[42] Amanda Agan & Sonja B. Starr, *The Effect of Criminal Records on Access to Employment,* 107 Am. Econ. Rev.: Papers & Proc. 560, 560-64 (2017).

[43] *Collateral Costs: Incarceration's Effect on Economic Mobility*, Pew Charitable Trusts 11 (2010),https://www.pewtrusts.org/.pdf.

[44] *See* Prescott & Starr, *supra* note 19 at 2528; Angie Jackson, *Michigan Criminal Record Expungement Bills head to Whitmer's desk*, Detroit Free Press (Sept. 24, 2020), https://www.freep.com/story/news/local/michigan/2020/09/24/michigan-expungement-bills-pass/3497162001/

[45] *See* Prescott & Starr, *supra* note 19 at 2527.

significant and long-lasting. S.B. 1019 will relieve the social harms that persist long after an individual has served a criminal sentence.

C. S.B. 1019 Will Boost the Broader Connecticut Economy

The economic benefits of Clean Slate are not limited to the individual with a conviction record. Every Connecticut resident will enjoy economic growth from Clean Slate, as increasing the state's workforce will boost the economy. Estimates suggest between $78 billion and $87 billion in GDP is lost nationwide each year due to the impact of criminal records.[46] Similar methodologies suggest that **Connecticut lost as much as $1.3 billion of potential GDP in 2017 due to the barriers faced by job seekers with criminal records**. This is a significant financial cost that manifests in lost tax revenue, increased reliance on social welfare, and decreased productivity for Connecticut's businesses. These issues are currently creating cross-generational impacts upon every Connecticut resident. Allowing automatic erasure of criminal history record information for residents who were incarcerated and who have remained crime-free could introduce millions to billions of dollars into the state's economy.

VI.   S.B. 1019 Will Build Upon Connecticut's Existing Pardons Process

The State of Connecticut has an existing process for people with criminal records to apply for absolute pardons—absolute erasure of criminal record history information—through the Board of Pardons and Paroles (BoPP). Unfortunately, this pardon process does not serve the majority of pardon-eligible residents, as many Connecticut residents who are eligible to apply for these pardons do not do so due to factors like lack of information, fees, administrative barriers, and lack of legal counsel.[47] A 2021 study analyzing the Connecticut pardon process revealed that while 89% of those with convictions are eligible to apply for pardons, a mere **3% have been pardoned**.[48] Put differently, at present pardon rates in Connecticut, it would take **577 years** for all eligible Connecticut residents to receive pardons.[49] For Clean Slate-eligible residents, it would take 443 years under the current pardon process.[50] Of the estimated 407,000 Connecticut residents with convictions, as many of 68% could obtain records erasure under S.B. 1019.[51] By automating expungement through Clean Slate, Connecticut can provide instant relief to hundreds of thousands of residents statewide.

VII.   Connecticut Is Poised to Build on the Success of Other States Which Have Already Enacted Clean Slate Legislation

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[46] Cherrie Bucknor & Alan Barber, T*he Price We Pay: Economic Costs of Barriers to Employment for Former Prisoners and People Convicted of Felonies*, Center for Economic and Policy Research (2016), https://cepr.net/report/the-price-we-pay-economic-costs-of-barriers-to-employment-for-former-prisoners-and-people-convicted-of-felonies/.

[47] *See* J.J. Prescott & Sonja B. Starr, *Expungement of Criminal Convictions: An Empirical Study*, U of Mich. L. & Econ. Res. Paper No. 19-001, at 28-33 (2019).

[48] *Chien*, *supra* note 25 at 1 (emphasis added).

[49] *Id.*

[50] *Id.*

[51] *Id.*

Other states have successfully adopted Clean Slate legislation. In 2018, Pennsylvania enacted Clean Slate legislation to automatically seal certain criminal records.[52] Since then, Clean Slate have been successfully adopted by the legislatures of California,[53] Utah,[54] New Jersey,[55] Michigan,[56] and as of February 26, 2021, Virginia.[57] Clean Slate legislation has also been introduced in New York,[58] and campaigns have been launched in states as politically diverse as Delaware,[59] Texas,[60] Oregon,[61] Louisiana,[62] and North Carolina.[63] States across the country are taking stock of the damage that institutionalized racism and mass incarceration have wreaked on the lives of their residents, both those directly impacted by the criminal justice system and those outside of it. We urge you to pass S.B. 1019 and join other states with Clean Slate, so that Connecticut may remain at the forefront of progress and truly live up to its reputation as the "Second Chance" state.[64]

VIII. Conclusion

S.B. 1019 presents a tremendous opportunity for Connecticut to remain at the forefront of reforms to challenge institutionalized racism and economic inequality and stagnation. Automatic erasure will ensure that those with convictions who remain crime-free will no longer be relegated to a life of barriers. It will allow them to participate fully in our social and economic community. S.B. 1019 will help address the social and economic racialized harms of mass incarceration, bolstering Connecticut's reputation as the forward-thinking and innovative "Second Chance" state.

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[52] 18 Pa. Cons. Stat. § 9122.1.

[53] 2019 Cal. Pen. Ch. 578.

[54] Utah Code. Ann. § 77-40-102.

[55] P.L. 2019, Ch. 269.

[56] PA 193'20.

[57] Denise LaVoie, *Virginia Lawmakers Pass Bill to Seal Some Criminal Records*, Wash. Post (Feb. 26, 2021), https://www.washingtonpost.com/local/virginia-lawmakers-pass-bill-to-seal-some-criminal-records/2021/02/26/f4e152aa-7853-11eb-9489-8f7dacd51e75_story.html.

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